United Nations CRC/C/IRL/CO/3-4

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third and fourth periodic reports of Ireland*

I. Introduction

1. The Committee considered the combined third and fourth periodic reports of Ireland (CRC/C/IRL/3-4) at its 2064th and 2066th meetings (see CRC/C/SR.2064 and 2066), held on 14 January 2016, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

2. The Committee welcomes the submission of the combined third and fourth periodic reports of the State party and the written replies to the list of issues (CRC/C/IRL/Q/3-4/Add.1), which allowed for a better understanding of the situation of the rights of the child in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level, multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of the following instruments:

(a) Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2014;

(b) Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO), in 2014.

4. The Committee notes with appreciation the adoption of the following legislative measures:

(a) Thirty-First Amendment of the Constitution (Children) Act 2012 (signed into law in 2015), expressly recognizing children as rights holders under the Constitution;

(b) Children First Act 2015, improving child protection measures;

(c) Children and Family Relationships Act 2015, comprehensively reforming family law to address the situation of children of diverse families;

* Adopted by the Committee at its seventy-first session (11-29 January 2016).

(d) Children (Amendment) Act 2015, repealing all parts of the current statute book that permit the detention of children in adult prison facilities and providing for related measures;

(e) Gender Recognition Act 2015, providing that, from 16 years of age, the preferred gender of a person will be fully recognized by the State for all purposes;

(f) Teaching Council (Amendment) Act 2015, providing a clear statutory basis for the role of the Teaching Council in the statutory arrangements for the vetting of teachers;

(g) Irish Human Rights and Equality Commission Act 2014, establishing the Irish Human Rights and Equality Commission and introducing a positive duty on public bodies regarding human rights and equality;

(h) Civil Registration (Amendment) Act 2014, providing for the compulsory registration of the father's name on the birth record, except in certain exceptional circumstances and providing a mechanism for birth registration where no surname can be agreed upon.

5. The Committee also welcomes the following institutional and policy measures:

(a) Establishment of the Irish Human Rights and Equality Commission, in 2014;

(b) Establishment of the Child and Family Agency, in 2014;

(c) Adoption of the Better Outcomes, Brighter Futures National Policy Framework for Children and Young People 2014-2020.

6. The Committee welcomes the visits of the Special Rapporteur on the situation of human rights defenders in 2013 and the visit of the Independent Expert on the question of human rights and extreme poverty in 2011.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

7. **The Committee recommends that the State party take all necessary measures to address its previous recommendations of 2006 (CRC/C/IRL/CO/2) that have not been sufficiently implemented, in particular, those related to legislation and implementation, independent monitoring, children with disabilities, health and health-care services, adolescent health, standard of living, refugee and asylum-seeking children, administration of juvenile justice, and children belonging to minorities.**

Legal status of the Convention

8. The Committee regrets that notwithstanding its previous recommendation (CRC/C/IRL/CO/2, para. 9), the Convention has not been fully incorporated into domestic law.

9. **The Committee urges the State party to take, as a matter of priority, all necessary measures to fully incorporate the Convention into domestic law.**

Legislation

10. The Committee notes as positive the recent efforts of the State party to improve the harmonization of its national law with the Convention. It is concerned, however, that the Children First Act and the Children and Family Relationship Act 2015 have yet to be fully commenced. Furthermore, the Committee is concerned that there is no legislation stipulating statutory obligations for public entities to respect the provisions of the Convention in relevant administrative proceedings and decision-making processes.

11. **The Committee recommends that the State party conduct a thorough assessment on the extent to which legislation affecting the rights of the child complies with the Convention and implement specific legislation and/or legislative amendments to ensure that the Convention is respected, including in administrative proceedings and decision-making processes. In doing so, the State party should ensure that adequate resources are allocated to expeditiously commence the two above-mentioned Acts and other outstanding provisions in relevant legislation for the protection of the rights of the child.**

Comprehensive policy and strategy

12. The Committee welcomes the State party's National Policy Framework for Children and Young People 2014-2020 ("Better Outcomes, Brighter Futures"). It also welcomes the fact that the State party has indicated that it will be implemented as a joint project with civil society through the Advisory Council for the Framework. The Committee encourages the State party to include the formulation of indicators and objectives based on the Convention in the action plans for the implementation of the "Better Outcomes, Brighter Futures" Framework. In doing so, the State party should ensure that all areas covered by the Convention are included and that the implementation of the Framework is supported by sufficient human, technical and financial resources.

Coordination

13. The Committee welcomes the fact that the State party has established the Department of Children and Youth Affairs for the coordination of the implementation of the Convention. It remains concerned, however, that there continues to be inadequate clarity on which Government entity bears principal responsibility for given issues, in particularly those that are cross-cutting.

14. **The Committee recommends that the State party maintain the post of Minister for Children and Youth Affairs, with full Cabinet status, and ensure clarity on which entities are responsible for given issues. The State party should also provide the Department of Children and Youth Affairs with a clear mandate and sufficient authority, as well as adequate human, technical and financial resources, to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national, regional and local levels.**

Allocation of resources

15. The Committee welcomes the State party's successful exit from the financial bailout programme of the International Monetary Fund and the European Union. However, the Committee is concerned that the State party does not have specific budget allocations for the implementation of the Convention. The Committee is also concerned that the budgets of numerous government departments and State agencies, including the Ombudsman for Children's Office and the Department of Health, have been reduced since the economic downturn of 2009. The Committee is further concerned that social welfare payments, including child benefits and support for children with disabilities, have not been

proportionately increased to adequately reflect higher costs of living. The Committee is also concerned about the pronounced reductions in budget allocations for Traveller and Roma children.

16. **In the light of its day of general discussion in 2007 on the theme "Resources for the rights of the child: responsibility of States", the Committee recommends that the State party:**

(a) **Utilize a child rights approach in the formulation of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget at all levels of government;**

(b) **Conduct a comprehensive assessment of the budget needs of children and increase the budget allocated to social sectors; address disparities through the application of indicators relating to the rights of the child;**

(c) **Ensure that resources allocated for the protection and promotion of the rights of the child are adequate and, in that context, include regular assessments of projects relating to the realization of the rights of the child;**

(d) **Define specific budgetary lines for Traveller and Roma children, and for children with disabilities who may require affirmative social measures, and ensure that those budgetary lines are protected in situations of economic crisis;**

(e) **Include child rights impact assessments in the framework for integrated social impact assessments, to ensure that fiscal and budgetary decisions are compliant with obligations under the Convention.**

Data collection

17. The Committee is concerned at the lack of disaggregated data on Traveller and Roma children, including their socioeconomic situation.

18. **In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee reiterates to the State party that its data collection system should cover all areas of the Convention and should be disaggregated in order to facilitate analysis on the situation of all children, in particular those in situations of vulnerability. In doing so, the State party should ensure that such data are disaggregated to clearly allow monitoring of the situation of Traveller and Roma children. Furthermore, the Committee recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. The State party should also take into account the framework set out in the report of the Office of the United Nations High Commissioner for Human Rights entitled "Human rights indicators: a guide to measurement and implementation" when defining, collecting and disseminating statistical information.**

Independent monitoring

19. The Committee takes note of the explanation, provided by the State party during the dialogue, of the funding structure for the Ombudsman for Children's Office, which constitutionally precludes Parliament from making direct disbursements. The Committee remains concerned, however, that the current funding arrangement through the Department of Children and Youth Affairs limits its full independence and autonomy. The Committee is also concerned that pursuant to the Ombudsman for Children Act, 2002, the Office is precluded from investigating actions of public bodies when those actions involve the administration of the law regarding asylum, immigration, naturalization and citizenship.

20. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party ensure the independence of the Ombudsman for Children's Office, including with regard to its funding and mandate so as to ensure full compliance with the Paris Principles. In doing so, the State party should further consider ways and means to directly provide the Office with financial resources rather than through the Department of Children and Youth Affairs. Furthermore, the Committee recommends that the State party consider amending the provisions of the Ombudsman for Children Act, 2002, which preclude the Ombudsman for Children's Office from investigating complaints from children in a refugee, asylum-seeking and/or irregular migration situation.**

Dissemination, awareness-raising and training

21. The Committee notes as positive the inclusion of the rights of the child and human rights in both the primary and secondary school curriculums, as well as the dissemination of the State party's periodic reports to the Committee and the concluding observations of the Committee through the website of the Department of Children and Youth Affairs. The Committee remains concerned, however, at the lack of awareness among public bodies, which do not always apply the principle of the best interests of the child or ensure that children's views are appropriately taken into consideration. It is also concerned that awareness of human rights mechanisms and understanding of the rights of the child among the general public remain low.

22. **The Committee encourages the State party to promote the Convention on the broadest possible basis, in particular for children in vulnerable situations, including through child-friendly audiovisual aids and digital media and by enlisting the support of the mass media, including social media. The Committee also recommends that the State party strengthen its efforts to provide adequate and systematic training and/or sensitization of professionals working with and for children.**

Rights of the child and the business sector

23. The Committee welcomes the State party's working outline of a national action plan on business and human rights for the period from 2016 to 2019. It is concerned, however, that the document does not contain any firm commitment to the rights of the child and has not adequately taken into account the Committee's general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights.

24. **In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party establish and implement regulations to ensure that the business sector, including in the context of public procurement, complies with international and national human rights, labour, environment and other standards, particularly with regard to the rights of the child. In particular, it recommends that the State party:**

(a) **Strengthen its regulatory framework for the industries and enterprises operating in the State party to ensure that their activities do not negatively affect the rights of the child or endanger environmental and other standards;**

(b) **Establish independent mechanisms to monitor the implementation by business enterprises of international and national environment and health standards; appropriately sanction and provide remedies when violations occur; and ensure that appropriate international certification is sought;**

(c) **Require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts;**

(d) **Be guided by the United Nations "Protect, Respect and Remedy" Framework, accepted unanimously in 2008 by the Human Rights Council, while implementing these recommendations.**

B. Definition of the child (art. 1)

25. The Committee notes the statement by the State party during the dialogue that amendments to the Family Law Act, 1995 are in the process of being undertaken to remove exceptions to the minimum age of 18 for marriage. It is concerned, however, that pending such amendments, children under the age of 18 years still may marry.

26. **The Committee recommends that the State party expeditiously amend its Family Law Act, 1995 to remove all exceptions that allow marriage under the age of 18 years.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

27. The Committee is concerned about the structural discrimination against Traveller and Roma children and their families, including alleged impunity for publicly expressed discriminatory remarks by public representatives. The Committee takes note of the explanation by the State party regarding the retention of mechanisms and funding streams arising from the National Action Plan against Racism 2005-2008; it remains concerned, however, that no appropriate updated national action plan has been enacted. The Committee is also concerned about discrimination against lesbian, gay, bisexual, transgender and intersex children.

28. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to combat discrimination against and the stigmatization and social exclusion of Traveller and Roma children, as well as that based on the sexual orientation or gender identity of children;**

(b) **Establish an appropriately high-level, comprehensive successor to the National Action Plan against Racism 2005-2008.**

Best interests of the child

29. The Committee is concerned that the right of the child to have his or her best interests taken as a primary consideration has yet to be fully implemented as a positive obligation in all relevant legislation and administrative procedures and decision-making processes.

30. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority in determining the best interests of the**

child in every area and in giving due weight to their interests as a primary consideration.

Respect for the views of the child

31. The Committee welcomes the National Strategy on Children and Young People's Participation in Decision-Making. The Committee also notes that the State party has legislative provisions recognizing the right of a child to have his or her views heard. However, the Committee is concerned that:

(a) The said legislative provisions have not been effectively implemented;

(b) Under the Children and Family Relationships Act 2015, parents must bear the cost of an expert to hear the views of the child in family law proceedings;

(c) The Education Act does not provide for the right of the child to be heard in individual cases;

(d) Notwithstanding the State party's commitment in the National Policy Framework for Children and Young People 2014 to 2020 to hold a referendum on lowering the voting age from 18 years to 16 years, this referendum has yet to conducted.

32. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, in particular family law proceedings, including by establishing systems and/or procedures for social workers and courts to comply with the principle;**

(b) **Ensure that there are provisions under the Children and Family Relationships Act 2015 with regard to covering the cost of an expert to hear the child's views in family law proceedings, to guarantee that the views of the child are taken into account in all child care proceedings;**

(c) **Ensure that the Education Act is amended to ensure the right of the child to be heard in individual cases;**

(d) **Consider implementing its plan to carry out a national referendum on lowering the voting age to 16 years in accordance with its previous commitment.**

D. Civil rights and freedoms (arts. 7, 8, and 13-17)

Right to identity

33. The Committee is concerned about:

(a) Insufficient attention to the rights and interests of children born as a result of assisted reproduction technologies, in particular with the involvement of surrogate mothers;

(b) Lack of measures to ensure that children fathered by Catholic priests are able to access information on the identity of their fathers;

(c) The Civil Registration (Amendment) Act 2014 not providing adequate clarity on the family name to be given to children that are born out of wedlock.

34. **The Committee recommends that the State party:**

(a) **Ensure that children born through assisted reproduction technologies, in particular with the involvement of surrogate mothers, have their best interests taken**

as a primary consideration and have access to information about their origins; in doing so, the State party should consider providing surrogate mothers and prospective parents with appropriate counselling and support;

(b) **Ensure measures to assist children fathered by Catholic priests in upholding their right to know and be cared for by their fathers, as appropriate, and ensure that they receive the necessary psychological treatment;**

(c) **Undertake measures, including possible amendments to legislation, to ensure that children born out of wedlock have legal certainty in respect of their family name and that those measures are taken with a view to minimizing the stigma or discrimination that could be faced by such children.**

Freedom of thought, conscience and religion

35. The Committee is concerned that children are not ensured the right to effectively opt out of religious classes and access appropriate alternatives to such classes.

36. **The Committee recommends that the State party ensure accessible options for children to opt out of religious classes and access appropriate alternatives to such classes, in accordance with the needs of children of minority faith or non-faith backgrounds.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Abuse and neglect

37. The Committee welcomes the fact that the child protection guidelines "Children First: National Guidance for the Protection and Welfare of Children" were reissued in 2011. However, the Committee is concerned that:

(a) The Child and Family Agency, which is responsible for dealing with child protection referrals made pursuant to the said guidelines, has not been provided with sufficient powers or resources to ensure compliance with those guidelines;

(b) In practice, the out-of-hours social work emergency service is insufficient and there are insufficient accessible counselling services for children affected by abuse;

(c) There is insufficient refuge accommodation for victims of domestic violence.

38. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 2 of Sustainable Development Goal 16 to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:**

(a) **Ensure the allocation of adequate human, technical and financial resources to the Child and Family Agency to enable it to respond to child protection referrals and address the needs of children at risk in a timely manner, and implement long-term programmes to address the root causes of violence and abuse;**

(b) **Ensure sufficient 24-hour refuge accommodation for persons affected by domestic violence and their children and provide redress and rehabilitation to the victims;**

(c) **Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members and providing training support to them.**

Harmful practices

39. The Committee notes as positive the adoption of the Gender Recognition Act 2015 by the State party. It remains concerned, however, about cases of medically unnecessary surgeries and other procedures on intersex children before they are able to provide their informed consent, which often entail irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.

40. **The Committee recommends that the State party:**

(a) **Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support;**

(b) **Undertake investigation of incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation;**

(c) **Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.**

F. Family environment and alternative care (arts. 5, 9-11, 18 (1-2), 20, 21, 25 and 27 (4))

Family law proceedings

41. The Committee is concerned that judges in family law cases are not provided with systematic training for dealing with cases concerning children and that there are long delays in such cases, to the detriment of the children involved.

42. **The Committee recommends that the State party encourage and provide sufficient resources for the training of judges for family law cases involving children and ensure that such cases are prioritized in the court system.**

Children deprived of a family environment

43. The Committee welcomes the adoption of the Child and Family Agency Act, which improves the basis for the State party to ensure the best interests of the child in proceedings that may result in a child being deprived of a family environment. The Committee remains concerned, however, that for children who are placed in alternative care, there are:

(a) Inadequate measures for individual needs assessments and care planning, as well as record keeping;

(b) Insufficient alternative care services for children with special needs, which has resulted in the need for such children to be accommodated in alternative care institutions outside the State party;

(c) Inappropriate use of single isolation in special care units;

(d) Inadequate coordination between the State party bodies responsible for child protection, mental health and disabilities resulting in fragmented or inadequate care being provided for children in such situations;

(e) Inadequate aftercare services and support provided to children leaving care, particularly those who have experienced homelessness.

44. **Drawing the attention of the State party to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee recommends that the State party ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible. The Committee also recommends that the State party:**

(a) **Ensure the effective implementation of individual needs assessments, care planning and record-keeping for children in alternative care;**

(b) **Prioritize the development of its special care services to ensure that the needs of such children are addressed, that this takes place throughout the territory of the State party, and that single isolation is not used inappropriately;**

(c) **Undertake measures to ensure that children in alternative care who have disabilities or mental health needs have those needs addressed in an integrated and comprehensive manner; to that effect, the State party should establish appropriate coordination mechanisms to ensure effective inter-agency cooperation between the State party's Child and Family Agency and the relevant departments of its Health Service Executive;**

(d) **Adequately prepare and support young people prior to their leaving care by providing for their early involvement in the planning of the transition and by making assistance available to them following their departure;**

(e) **Undertake legislative amendments, as necessary, to ensure that its Child Care Act, 1991 adequately addresses the needs of children who have experienced homelessness.**

Adoption

45. The Committee welcomes the Adoption Act 2010, which consolidates and modernizes the State party's legislation on adoption. The Committee remains concerned, however, at the lack of a comprehensive legal framework that ensures that children who have been adopted have access to information regarding their origins and services for family tracing.

46. **The Committee recommends that the State party consider incorporating provisions on information disclosure, family tracing and post-adoption support measures, in accordance with international practice, into the Adoption Act 2010.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)

Children with disabilities

47. The Committee is concerned that:

(a) There is no comprehensive strategy for the inclusion of children with disabilities in mainstream education and the encouragement of their autonomy; and, the Education for Persons with Special Educational Needs Act 2004 has yet to be fully commenced and implemented;

(b) There are inadequate measures for facilitating the care of children with disabilities in the home environment, where possible or appropriate, in lieu of hospitalization of institutionalization;

(c) Children with disabilities do not have adequate access to early childhood education services;

(d) Reasonable accommodation, such as Braille and sign language, is not provided to all children with special needs, including children with visual and hearing impairments; and, there is no clear and objective framework, for the State party's State Examination Commission, for providing reasonable accommodation for children with disabilities in the context of State examinations.

48. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

(a) **Adopt a human rights-based approach to disability and establish a comprehensive strategy for the inclusion of children with disabilities;**

(b) **Ensure adequate measures to facilitate the care of children with disabilities in the home environment; in doing so, the State party should consider adopting a national policy and framework in order to ensure consistency and adequate standards for such measures throughout its territory;**

(c) **Train and employ a sufficient number of specialized teachers and professionals in order to provide special needs education support and early childhood education for children with disabilities;**

(d) **Establish a clear and objective framework to ensure that children with disabilities are provided with reasonable accommodation for their education needs, including in the context of State examinations.**

Health and health-care services

49. The Committee is deeply concerned that the state of health of children in single-parent families, children in poverty and Traveller and Roma children is significantly worse than the national average. The Committee is particularly concerned at the low proportion of Traveller and Roma children with medical cards, which are necessary for affordable access to medical care in the State party.

50. **The Committee urges the State party to address socioeconomic disadvantages, which constitute root causes of exclusion from access to health-care services, in particular for children in single-parent families, children living in poverty and Traveller and Roma children. The Committee also recommends that the State party undertake all necessary measures, including programmes for the issuance of medical cards in Traveller and Roma communities, to ensure that such children enjoy the same access to and quality of health-care services as others.**

Breastfeeding

51. The Committee notes as positive the measures to promote breastfeeding under the Healthy Ireland Framework. The Committee remains concerned, however, that:

(a) The rate of exclusive breastfeeding of babies up to the age of six months is low, in particular among Traveller women;

(b) The training of health-care professionals on the importance of exclusive breastfeeding is insufficient;

(c) There is an insufficient number of baby-friendly hospitals in the State party;

(d) No national strategy on the feeding or breastfeeding of infants exists.

52. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to promote exclusive and continued breastfeeding by providing access to materials and raising awareness concerning the importance of breastfeeding and the risks of formula feeding; in particular, measures for the Traveller community should be included;**

(b) **Review and strengthen training for health-care professionals on the importance of exclusive breastfeeding;**

(c) **Further increase the number of hospitals certified as baby-friendly;**

(d) **Develop and implement a national strategy on the breastfeeding of infants; and in doing so, consider implementing the International Code of Marketing of Breast-milk Substitutes, along with adequate measures for its enforcement.**

Mental health

53. The Committee welcomes the recent strengthening of the Inpatient Child and Adolescent Mental Health Service. However, the Committee remains concerned about:

(a) The lack of comprehensive legislation on children's consent to and refusal of medical treatment, in particular mental health-care services;

(b) Children being admitted to adult psychiatric wards owing to inadequate availability of mental health-care facilities for children; and, long waiting lists for access to mental health support and insufficient out-of-hours services for children and adolescents with mental health needs, in particular eating disorders;

(c) The lack of a child-focused advocacy and information service for children with mental health difficulties.

54. **The Committee recommends that the State party:**

(a) **Enact legislation that explicitly and comprehensively provides for children's consent to and refusal of medical treatment, and ensure that the legislation is in line with the objectives of the Convention and encompasses clear recognition of the evolving capacities of children;**

(b) **Undertake measures to improve the capacity and quality of its mental health-care services for children and adolescents; in doing so, the State party should prioritize strengthening the capacity of its mental health-care services for inpatient treatment, out-of-hours facilities and facilities for treating eating disorders;**

(c) **Consider establishing a mental health advocacy and information service that is specifically for children and accordingly accessible and child-friendly.**

Suicide

55. The Committee notes the recent adoption of a suicide prevention strategy by the State party. It remains concerned, however, about the high number of suicides among adolescents.

56. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party further strengthen its measures on the prevention of suicide, which should take into account the specific needs of children**

and adolescents, and ensure the allocation of adequate human, technical and financial resources for their effective implementation.

Adolescent health

57. The Committee is concerned about the Protection of Life during Pregnancy Act 2013, which allows for abortion only when there is a "real and substantial risk" to the life of the mother and criminalizes abortion even in instances where the pregnancy results from rape or incest, or in cases of severe foetal impairment. Furthermore, the Committee is concerned that the term "real and substantial risk" prevents doctors from being able to provide services in accordance with objective medical practice. The Committee is also concerned at the severe lack of access to sexual and reproductive health education and emergency contraception for adolescents.

58. **In the light of its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party:**

(a) **Decriminalize abortion in all circumstances and review its legislation with a view to ensuring access by children to safe abortion and post-abortion care services; and ensure that the views of the pregnant girl are always heard and respected in abortion decisions;**

(b) **Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them;**

(c) **Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy and sexually transmitted infections;**

(d) **Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men.**

Standard of living

59. The Committee is deeply concerned about the significant increase in the number of children living in consistent poverty, including reports that such poverty disproportionately affects children from Traveller, Roma and refugee backgrounds, as well as those who live in single-parent households.

60. **The Committee urges the State party to further strengthen its efforts to reduce poverty among children in vulnerable situations, in particular Traveller, Roma and refugee children, as well as children living in single-parent households. It also recommends that the State party ensure that the revisions of its poverty reduction targets for 2020 take into account increases in the number of children living in consistent poverty and put in place a detailed action Plan to ensure that targets are met within a specified time frame.**

61. The Committee is deeply concerned at reports of families affected by homelessness facing significant delays in accessing social housing and frequently living in inappropriate, temporary or emergency accommodation on a long-term basis.

62. **The Committee urges the State party to undertake measures to increase the availability of social housing and emergency housing support. In doing so, the State party should ensure that the housing and support provided through those measures are appropriate to the needs of the children affected and subject to adequate safeguards, reviews and evaluations.**

H. Education, leisure and cultural activities (arts. 28-31)

63. The Committee welcomes the establishment of the Forum on Pluralism and Patronage in the Private Sector to attempt to address the need for diversity in the types of schools available to children in the State party. It remains concerned, however, at the very small number of non-denominational schools. The Committee is also concerned about:

(a) Schools continuing to practise discriminatory admissions policies on the basis of the child's religion and/or whether his or her parent(s) are former students of the school;

(b) Incomplete structures in the education sector for the handling of complaints;

(c) The pressure that the Leaving Certificate examination places on children;

(d) Insufficient physical activities in school that can be enjoyed by all students.

64. **The Committee recommends that the State party:**

(a) **Expeditiously undertake concrete measures to significantly increase the availability of non-denominational or multi-denominational schools and to amend the existing legislative framework to eliminate discrimination in school admissions, including the Equal Status Act;**

(b) **Establish an effective complaints mechanism for students in schools;**

(c) **Consider reforming the Leaving Certificate examination with a view to reducing the stress caused to children;**

(d) **Develop a curriculum of physical leisure activities that can be enjoyed by all students.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)

Asylum-seeking and refugee children

65. The Committee is concerned about reports that the majority of children in an asylum-seeking or refugee situation are accommodated in privately run centres that are not covered by national standards relating to children and that the majority of inspections and evaluations of such centres are carried out by an internal inspectorate that is not adequately independent. The Committee notes the information, provided during the dialogue, on there being one designated appeals officer to address complaints relating to the direct provision policy for refugees and asylum seekers. It remains concerned, however, that this does not ensure independent oversight and that it may not be adequately known or accessible to children. In that light, the Committee is concerned about reports that:

(a) Numerous centres do not have adequate facilities for families with young children;

(b) Asylum and refugee accommodation centres do not offer adequate child protection services, sufficient access to education for children or sufficient access to appropriate clothing and food in general, including culturally appropriate food for minority faith children accommodated in such centres;

(c) The child allowance provided to asylum seekers has not kept pace with the rises in cost of living and inflation in the State party.

66. **In the light of its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party take the necessary measures to bring its asylum and refugee policy, procedures and practice into line with its international obligations, as well as principles outlined in other documents, including the Statement of Good Practices produced by the United Nations High Commissioner for Refugees. Furthermore, the Committee recommends that the State party strengthen its measures to ensure that children in an asylum-seeking or refugee situation are ensured the same standards of and access to support services as Irish children. The Committee urges the State party to ensure independent inspections of all refugee accommodation centres. Furthermore, the Committee recommends that the State party take measures to ensure that asylum and refugee accommodation centres have:**

(a) **Facilities, including recreation areas, that are appropriate for young children and families;**

(b) **Adequate child protection services, education for children and appropriate clothing and food for children, including food that is of adequate quality and culturally appropriate for children of minority faiths; these centres should also address the needs of children with dietary requirements and, to the extent possible, allow for residents to store and cook their own food;**

(c) **Proportionately increase the child allowance provided to asylum seekers to ensure that it correlates with the cost of living in the State party.**

Children in situations of migration

67. The Committee notes that the State party has adopted the International Protection Act 2015. It is concerned, however, that the Act has yet to be commenced, resulting in the continued inadequacy of the framework in fully addressing the needs of migrant children in the State party. The Committee is concerned that, as a result, there are no clear and accessible formal procedures for conferring immigration status on persons in irregular migration situations. It is also concerned that there are inadequate measures to ensure that children with an irregular migration status who are in care receive independent legal advice, frequently resulting in such children not receiving timely clarification on their migration status.

68. **Emphasizing that all children are entitled to the full protection and implementation of their rights under the Convention, the Committee urges the State party to ensure that the rights enshrined in the Convention are guaranteed for all children under the State party's jurisdiction, regardless of their migration status or that of their parents, and to address all violations of those rights. In particular, the Committee urges the State party to:**

(a) **Expeditiously adopt a comprehensive legal framework that is in accordance with international human rights standards to address the needs of migrant children in the State party;**

(b) **Ensure that the said legal framework includes clear and accessible formal procedures for conferring immigration status on children and their families who are in irregular migration situations;**

(c) **Take measures to ensure that children in irregular migration situations are provided with independent legal advice and timely clarifications on their migration status.**

Children belonging to minority groups

69. The Committee is deeply concerned about the structural discrimination against Traveller and Roma children, including as regards their access to education, health and an adequate standard of living. It is particularly concerned about:

(a) The lack of recognition of the Travellers and Roma as ethnic minority groups by the State party, resulting, inter alia, in lack of adequate data and, consequently, a weak basis for targeted support programmes and measures;

(b) Significant numbers of Traveller households in mobile or temporary accommodation with no access to adequate water and sanitation facilities or safe and appropriate play areas;

(c) Drastic reductions in the provision of funding for accommodation for Traveller children and their families;

(d) The criminalization of nomadism, pursuant to the Housing (Miscellaneous Provisions) Act, 2002 combined with the inadequate provision of transient halting sites, resulting in forced evictions and the suppression of nomadism as a cultural practice;

(e) The lack of a human rights basis for the implementation of the State party's National Traveller/Roma Integration Strategy and the absence of goals, targets, indicators, time frames and funding mechanisms for the strategy; and, inadequate consultations with the Traveller and Roma community on the further formulation and implementation of the strategy;

(f) The habitual residence condition, which hinders entitlement to child benefit payments.

70. **The Committee urges the State party to undertake concrete and comprehensive measures to address the structural discrimination against Traveller and Roma children, in particular with regard to access to education, health care and an adequate standard of living. In this light, the Committee further recommends that the State party:**

(a) **Consider legally recognizing the Travellers and Roma as ethnic groups in the State party; and, in doing so, implement disaggregated data collection on these communities to facilitate the provision of targeted support programmes and measures;**

(b) **Ensure that sites in which Traveller and Roma households reside are equipped with adequate water and sanitation facilities as well as safe and appropriate recreation facilities for children;**

(c) **Increase the amount of funding allocated for housing facilities that address the needs of Traveller and Roma children and their families; and, provide mechanisms and procedures that ensure the effective and timely use of such funding;**

(d) **Respect the right to the cultural practice of nomadism, including by repealing or amending relevant legislation to ensure that this cultural practice is not criminalized; in doing so, the State party should also ensure adequate safeguards against forced eviction and access to timely recourse and commensurate reparation for victims of such forced evictions;**

(e) **Further conduct transparent, accessible and meaningful consultations with the Traveller and Roma communities in the State party to ensure their effective participation in the further formulation and implementation of the National Traveller and Roma Integration Strategy, while ensuring that these consultations inform the**

inclusion of a clear human rights basis for the strategy and, on that basis, formulate goals, targets, indicators, time frames and funding mechanisms;

(f) **Make child benefit payments a universal payment that is not contingent on the fulfilment of the habitual residence condition.**

Administration of juvenile justice

71. The Committee reiterates its previous concern (CRC/C/IRL/CO/2, para. 66) that, pursuant to the Criminal Justice Act 2006, the age of criminal responsibility has been lowered to 10 years for serious crimes. The Committee is also concerned about reports that there continue to be 17-year-old boys detained in adult prison facilities.

72. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) **Reinstate the provisions setting the age of criminal responsibility at 14 years, as established in the Children Act 2001;**

(b) **In cases where detention is unavoidable, ensure that the detention is for the shortest possible period, that these children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health-care services;**

(c) **Make use of the technical assistance tools developed by the Inter-agency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations and, as necessary, seek technical assistance in the area of juvenile justice from members of the Panel.**

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict

73. The Committee welcomes the fact that the State party has raised the minimum age for voluntary recruitment into the armed forces to 18 years. It also notes as positive the International Criminal Court Act 2006, which incorporates the Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court into domestic law. The Committee regrets, however, that the State party has not taken into account its previous recommendations on the Optional Protocol on the involvement of children in armed conflict regarding:

(a) Information, dissemination and training activities on the Optional Protocol being limited to the armed forces and military training (CRC/C/OPAC/IRL/CO/1, para. 7);

(b) The establishment of independent monitoring mechanisms for the implementation of the Optional Protocol, and the Ombudsman for Children's Office remaining precluded from investigating alleged violations of children's rights when these relate to or affect national security or military activity (CRC/C/OPAC/IRL/CO/1, para. 8);

(c) The enactment of domestic legislation to explicitly criminalize the recruitment and use in hostilities of children under 18 years of age, including by non-State armed groups. (CRC/C/OPAC/IRL/CO/1, para. 15).

74. **The Committee recommends that the State party:**

(a) **Develop systematic awareness-raising, education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with and for children, such as health personnel, social workers, teachers, public officials, public prosecutors, judges and authorities working for and with asylum-seeking and refugee children coming from countries affected by armed conflict. Furthermore, it recommends that the State party make the Optional Protocol widely known to the public at large and, in particular, to children and their parents through, inter alia, school curriculums and human rights education (CRC/C/OPAC/IRL/CO/1, para. 7);**

(b) **Consider amending section 11(1)(b) of the Ombudsman for Children Act, 2002 and/or establishing other appropriate oversight mechanisms, in order to ensure that actions taken by the Defence Forces vis-à-vis children under the age of 18 are subject to adequate accountability (CRC/C/OPAC/IRL/CO/1, para. 9);**

(c) **Enact legislation to explicitly criminalize the direct involvement of any persons under the age of 18 in hostilities, both at home and abroad, with a view to fully respecting the spirit of the Optional Protocol and to provide full protection for children in all circumstances (CRC/C/OPAC/IRL/CO/1, para. 15).**

75. The Committee is concerned at the inadequate measures for the early identification of and support measures to children entering the State party who may have been exposed to armed conflict.

76. **The State party should strengthen its measures for the early identification of and support to children entering the State party who have been exposed to armed conflict; such a system should include psychological assistance, rehabilitation, social reintegration and other relevant measures to address the trauma faced by such children.**

J. Ratification of international human rights instruments

77. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.**

K. Cooperation with regional bodies

78. **The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.**

V. Implementation and reporting

A. Follow-up and dissemination

79. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third and fourth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.**

B. Next report

80. **The Committee invites the State party to submit its combined fifth and sixth periodic reports by 27 October 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

81. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**